

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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Federal Communications Commission
Office of Secretary

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In the Matter of

Amendment of Section 73.202(b))	MM Docket No. 96-260
Table of Allotments,)	RM-8965
FM Broadcast Stations)	RM-9034
(Mankato, Lake Crystal and)	RM-9035
Vernon Center, Minnesota) ^{1/})	RM-9036
)	RM-9037

To: Mass Media Bureau

REPLY COMMENTS TO COUNTERPROPOSALS

Atlantis Broadcasting Co., L.L.C. (hereafter Atlantis), by its attorneys, and pursuant to Sections 1.415(c) and 1.420(b) of the Commission's rules, hereby replies to the February 18, 1997 (1) Comments and Counterproposal of James D. Ingstad (hereafter Ingstad), (2) Counterproposal for Lake Crystal, Minnesota of Jo Guck Bailey (hereafter Bailey), (3) Comments and Counterproposal of Vernon Center Broadcasters (hereafter VCB) and (4) Counterproposal of Atlantis.

1. This rule making proceeding was instituted by Notice of Proposed Rule Making, DA 96-2127, released December 27, 1996, looking toward the allotment of Channel 231A at Mankato, Minnesota. Interested parties were invited to file comments (or

^{1/} Lake Crystal and Vernon Center, Minnesota, have been added to the caption.

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counterproposals) on or before February 18, 1997. The rule making proponent, Mid-Minnesota Broadcasting Company apparently did not file comments in support of its proposal.

Counterproposals were filed by Atlantis and Bailey proposing the allotment of Channel 231A at Lake Crystal, Minnesota, by Ingstad proposing the allotment of Channel 231A at Madelia, Minnesota, and by VCB proposing the allotment of Channel 231A at Vernon Center, Minnesota. On March 12, 1997, the Commission issued a Public Notice, Report No. 2180, announcing the filing of the several counterproposals and inviting the filing of reply comments thereon on or before March 27, 1997.

2. Atlantis would urge the Commission to allot Channel 231A at Lake Crystal and either Channels 222A or 274A at Madelia for the reasons set forth in Atlantis' February 18, 1997 Counterproposal and its March 5, 1997 Reply Comments, which are hereby incorporated by reference. Atlantis hereby reaffirms that if the Commission allots Channel 231A at Lake Crystal, it will tender an application for same, and if its application is granted, it will promptly build the station.

3. In their prior filings herein, Atlantis and Bailey have presented compelling evidence warranting the allotment of Channel 231A at Lake Crystal. Lake Crystal is an incorporated community, founded in 1870, with a 1990 population of 2,084. Source: Rand McNally Commercial Atlas & Marketing Guide (1996 Edition) p. 393. It has a Council - City Clerk form of government. The City

Council is comprised of four council members and the city's Mayor.

4. The Lake Crystal school system is comprised of two elementary, a middle school and a high school with a total enrollment of approximately 1200 students. Municipal services include the Lake Crystal Police Department (three full-time and four part-time officers), a Volunteer Fire Department (24 trained volunteers) and a public library located at City Hall. A description of the Lake Crystal community, published by the Lake Crystal Chamber of Commerce, is annexed hereto as Appendix A. Lake Crystal area businesses and governmental, religious and other organizations are listed by name and address on Appendix B hereto.

5. Lake Crystal has a weekly newspaper (Lake Crystal Tribune) but no broadcast station. The allotment of Channel 231A at Lake Crystal would plainly advance the transmission service objective of Section 307(b) of the Communications Act of 1934, as amended.

6. Atlantis would observe that the Commission's FM Engineering Database, dated March 17, 1997, includes an entry of Channel 239A apparently as a possible alternative to the allotment of Channel 231A at Lake Crystal. In Atlantis' view, the allotment of Channel 239A at Lake Crystal is neither feasible nor a preferential arrangement of allotments. First, a Channel 239A allotment at Lake Crystal would require a site restriction

of 14.1 kilometers northwest of that community. See Technical Exhibit of T.Z. Sawyer Technical Associates, dated March 19, 1997, annexed as Appendix C hereto. In contrast, Channel 231A may be allotted to Lake Crystal without a site restriction.

7. Second, and of critical importance, there is only an extremely small area in which to locate a Channel 239A transmitter site and comply with the minimum distance separation requirements of Section 73.207 of the rules. Remarkably, there is no area in which to locate a complying Channel 239A facility without rounding down to the nearest kilometer the separation between the allotment and KCHK-FM, New Prague, Minnesota and KILR-FM, Estherville, Iowa. Even then, the area to locate a conforming Channel 239A facility is but 0.236 square kilometers in size (less than 1/10 of a square mile). As a practical matter then, the Commission would know to a certainty that the implementation of a Channel 239A allotment at Lake Crystal would require the specification of a directional antenna.^{2/} In contrast, a Channel 231A allotment at Lake Crystal has ample area in which to locate (ibid, Exhibits E-1 and E-2 thereto).

8. Third, a Channel 239A allotment at Lake Crystal would serve a population of only 40,368 persons. In contrast, a Channel 231A allotment at Lake Crystal would serve a population

^{2/} The Commission does not consider contour protection in the FM allotment process. FM Broadcast Stations (Short-Spacing Using Contour Protection, 4 FCC Rcd 1681, 65 RR2d 1651, 1651-52 (1988)).

of 71,302. Plainly, the allotment of Channel 231A at Lake Crystal is the superior choice (ibid).

9. In sum, the Commission ought not consider the allotment of Channel 239A at Lake Crystal. ("[T]he Commission has a strong interest in preserving the integrity of the Table of Allotments and the mileage separation criteria upon which the Table is based. Strict adherence to the spacing requirements in the Table is 'necessary . . . in order to provide a consistent, reliable and efficient scheme of [allotting] FM channels.'" Chester and Wedgefield, South Carolina, 5 FCC Rcd 5572, 68 RR2d 385, 386 (1990).)

WHEREFORE, Atlantis would urge the Commission to allot Channel 231A at Lake Crystal, Minnesota.

ATLANTIS BROADCASTING CO. L.L.C.

By:

James K. Edmundson
James K. Edmundson
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
(202) 408-7100

Its Attorneys

March 27, 1997
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Appendix A



Lake Crystal

A MINNESOTA STAR CITY

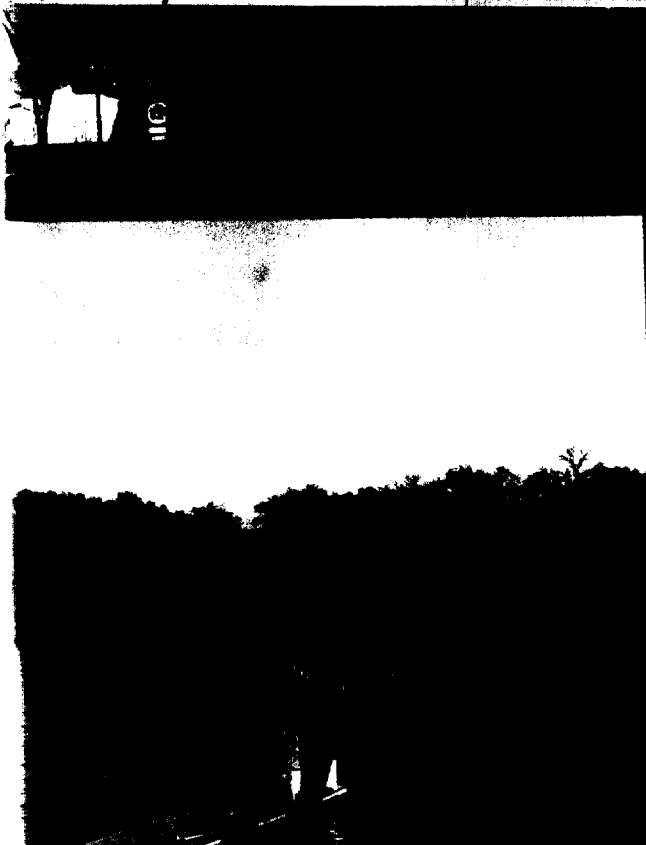


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**Lake Crystal Chamber of Commerce
City Hall
100 Robinson
Lake Crystal, MN 56055
(507) 726-2538**

History - The Beginning

In the year 1853 William Riley Robinson, his wife Mary, and 2 small children left New York and traveled west. They spent the winter on a farm in Dodge County, Wisconsin with Mary's sister, Sarah, and husband Lucius Hunt.

In the spring of 1854 Robinson & Hunt traveled from Wisconsin to visit Blue Earth County. In early July, they thought they had found a good place to settle--on the east side of Blue Earth River--somewhere in the vicinity of Rapidan Township. There they met a tribe of Indians who told about three lakes on the western side of the river and it was free from the menace of rattlesnakes.

It wasn't long before Robinson and Hunt reached the banks of now Loon Lake. They circled it and came upon now Crystal Lake. Soon they found the now Lily Lake. They marveled at its beauty. This was truly the land that they were searching for.

Mr. Hunt & Mr. Robinson both took claim on the south side of Crystal & Lily Lakes, each taking a plot 1 mile long and a half mile wide. Main street as we know it now was the dividing line between the two properties. Hunt built his log house where the Catholic Church is now. Robinson's log house was near the 1870 brick home still occupied today on Robinson Street.

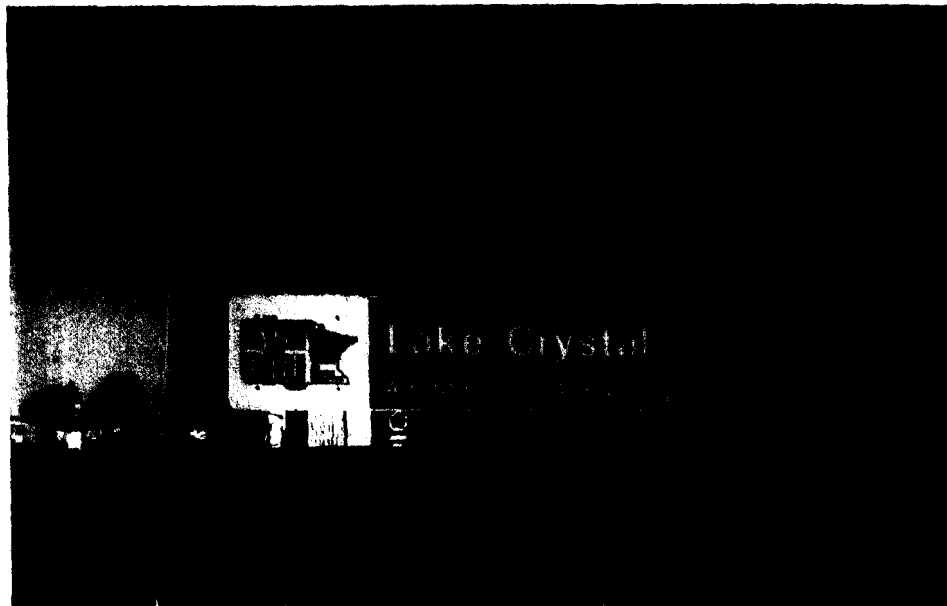
There were many, generally friendly Indians about, keeping an eye on the newcomers. On the first night in the new log cabin, the Robinson's could see twenty-eight pairs of eyes watching them through the cracks as they ate supper.

Life went on relatively peacefully even though the Sioux still held their scalp dances in the grove now called Robinson Park on Crystal Lake.

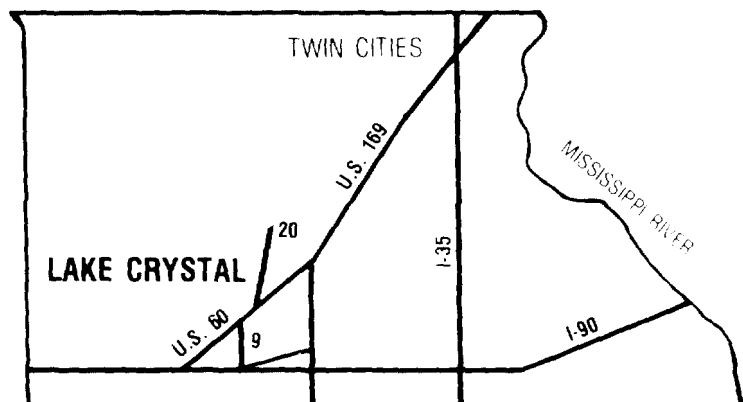
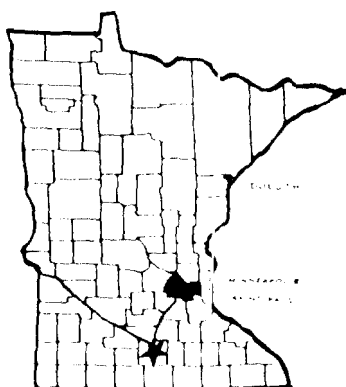


We have added bits of our history throughout this book. This dragon represents our Welsh heritage.

Lake Crystal, Minnesota 56055



Lake Crystal is situated in south central Minnesota, on Highway 60, eleven miles southwest of Mankato, in Blue Earth County. Access to interstate I 35 is within 50 miles, and I 90 is 37 miles. Lake Crystal is less than two hours from the Metropolitan area of Minneapolis and St. Paul via the four lane highways 60 and 169. Other main roads accessible around Lake Crystal are blacktop county roads #20 to Judson, #6 to Butternut and #9 to Rapidan.



Schools

The Lake Crystal Wellcome Memorial Area Schools are made up of four buildings; Vernon Center Elementary, Lake Crystal Elementary, Lake Crystal Wellcome Memorial Middle School, and Lake Crystal Wellcome Memorial High School.

Mission Statement

Our mission is to develop the intellectual, vocational, emotional, creative, cultural, and social capabilities of all students.

Our primary commitment is to provide an environment for young people to develop their full potential in all areas of personal and academic endeavor.

We recognize that the selection and maintenance of a competent and well-trained staff, along with an involved and caring community, is the key to providing quality education.

A comprehensive and innovative K-12 curriculum will be provided to accomplish these goals.

The elementary schools provide for the intellectual, social and emotional needs of more than 400 pre-school through fourth grade students. The students receive a well rounded program basic skills through the use of up-to-date materials delivered by a well trained and highly motivated staff. Technologically, each of the grade levels has access to computers and is trained in their use.

The middle school contains over 400 students in grades five through eight. The school operates on a seven period day and provides a wide variety of opportunity to that age group because of its middle school approach. This school has served as a model middle school in the state of Minnesota.

Other Programs:

- Title One (Chapter 1)
- CAPP (Comprehensive Arts Planning Program)
- Jr. Great Books (K-4 Program)
- Volunteer Aides
- Early Childhood Handicapped Program
- Basic Skills Program
- K-3 Program
- BOOK-IT Program (Sponsored by Pizza-Hut)
- Going Healthy Program (K-4 Program)
- Math Their Way
- Companion Reading

The high school has nearly 400 students in grades nine through twelve. It is committed to providing an excellent education through a progressive program. We provide an excellent comprehensive core curriculum as well as a wide range of electives which include:

- Technology, taught in two fully equipped computer labs, which are utilized for several other areas.
- Two world languages: one of which is offered through the KIDS project, which is an interactive television system.
- A business department which offers seven different choices.

- An industrial arts program which provides students an opportunity to experience nine different courses.
- Full Vocational, Agricultural, and Personal and Family Life Science programs
- A Fine Arts program ranging from painting to theatre.
- A very active A.F.S. Program

The Lake Crystal Wellcome Memorial Area Schools are proud of their tradition of being progressive and providing an excellent education. One measure of our success is what our students do when they leave LCWM. In the last four years, over 75% of our graduates have continued their education by attending a post secondary institution. Another measure is how well our students perform on state and national standardized tests. Our students consistently perform above both state and national norms on the ACT, PSiAT, and ITBS.

All of the building are members of the Minnesota Educational Effectiveness Program. This program has identified fifteen characteristics that make an effective school. This district, throughout the MEEP program, is constantly working toward improving itself.

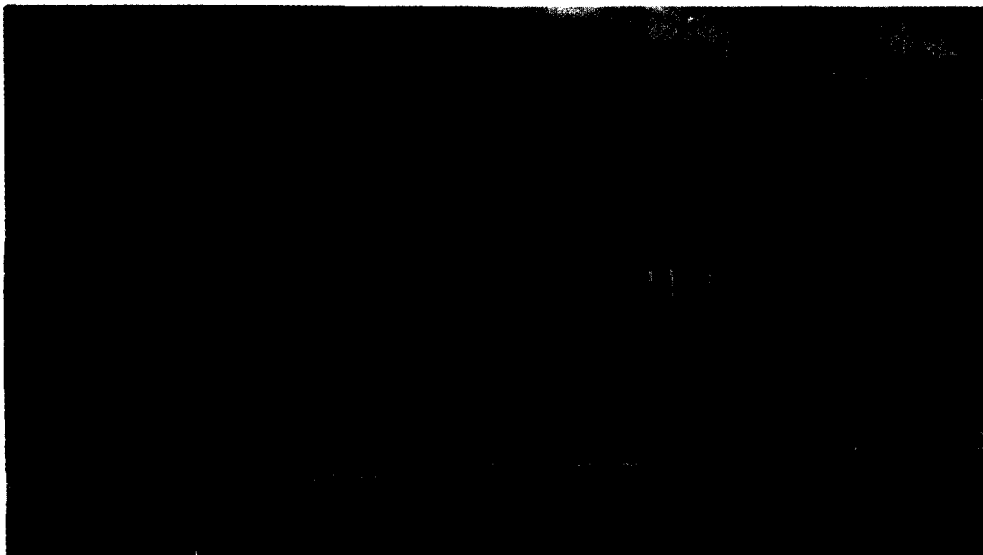
The Lake Crystal Wellcome Memorial Area Schools, in addition to providing regular instruction, also provide Community Education/Recreation services which are used to improve the quality of life, provide constructive recreation and leisure time activities and explore educational "lifelong" learning opportunities for all ages.

Other information about the district:

Annual budget: over 7 million dollars

Employees:

Superintendent	1
Principals	3
Nurse	1
Community Education	2
District office	3
Teachers	93
Clerical,Cooks,Custodians	60
Total	163



Lake Crystal Elementary School

Higher Education

The following institutions of higher learning are found in the Lake Crystal area.

Mankato State University (14,500 students)

- Full range of courses
- College of Business - largest school
- Electrical Engineering
- Computer Science
- Large Graduate school up through Specialist Program

South Central Technical College in Mankato (14,000 students)

- Large vocational school (state run)
- Very responsive to area businesses

Bethany Lutheran College (Mankato)

- Two-year private college
- Also a Lutheran Seminary

Rasmussen Business College, Inc. (130 day students / 60 night students)

- Private Business School (1 of 4 in Minnesota)
- Diploma programs
- Adult Special Programs
- Two Associate in Applied Science degrees



Before 1882, school was held in a two-story frame building on South Main street. In 1882, the first brick school house was built at the cost of \$8,000.

Health Care Facilities



The **Lake Crystal Healthcare Center** is located on the shore of Crystal Lake. This 64 bed, skilled-care nursing facility is privately owned and employs 72 persons. Medical care for residents is available through service agreements with area physicians, podiatrists, dentists and speech therapists. Costs are received by medical assistance and private pay. Preliminary screening of patients determines the initial costs, which is set by the State Health Department.

Family Practitioners

Lake Crystal Family Health Clinic
Park View Medical Clinic

Pharmacies

Crystal Drug

Dentist

Dr. Donald Campbell
Dr. Derksen

Optometrist

Crystal View Eye Care

Chiropractor

Deal Family Chiropractor & Wellness Center



Lake Crystal had its own hospital in 1926. It was built by Dr. Fred Franchere, it housed obstetricians & minor surgeries. He also had his office and home there. The building at 308 North Main is now apartments.

Ambulance and Rescue Service

The **Lake Crystal Ambulance Service** is owned by the City of Lake Crystal and five townships, namely Judson, Cambria, Butternut Valley, Lincoln and Garden City. A 24-hour ambulance service is provided by eleven volunteers. They provide trained ambulance and EMT personnel and maintain all necessary state licensing. The ambulance service is provided on a fee based on use.



Civil Defense

The Civil Defense is located in the Lake Crystal Power Plant and has a national radio there. Storm warnings come from the office of the Blue Earth County Sheriff. There are five sirens controlled from the power plant.

This department is also staffed and equipped to perform emergency rescue services and has prepared evacuation plans for all major buildings and industries in Lake Crystal. About two times a year, tests are held for this.

Municipal Services

The Lake Crystal Volunteer Fire Department is composed of 24 trained volunteer fire fighters which staff the fire station on a volunteer basis. Equipment includes seven pieces of apparatus, updated water distribution and hydrant network. The city currently maintains an ISO Classified Fire Insurance rating of 6. Mutual aid agreements exist with surrounding communities insuring cooperative backup fire suppression support if needed. The fire station also houses fire fighting apparatus for the rural area, a total coverage of 122 square miles in 4 townships.



On September 17, 1887, a fire wiped out nearly half of Lake Crystal's businesses--but they were all rebuilt within a year.

Police Protection

The Lake Crystal Police Department is composed of three full-time police officers and four part-time reserve officers. They provide 18 hours patrol services and the other six hours they are on call. In addition to a complete array of law enforcement services, the Police Department provides a comprehensive crime prevention program designed to assist residential, commercial and industrial property owners. The department is known for its high level of cooperation in assisting residents with individual crime prevention needs.

Refuse Removal

Residential refuse removal is done under a city contract for total pick-up. Commercial and Industrial removal is contracted on an individual basis.

City Government

Lake Crystal has the Council-City Clerk form of government. The City Council, composed of four council members and the Mayor, exercises the legislative functions and determines all policy. The City Clerk is appointed by the City Council for an indefinite term and is responsible for the administration of all city affairs.

A complete array of public services including police protection, fire prevention and suppression, ambulance and emergency rescue service is provided. Currently, Lake Crystal employs 28 full time employees and 11 part time employees. Volunteers of 12 people are used for the ambulance and emergency rescue service. Also, 24 volunteers are used on the fire prevention. The City of Lake Crystal has a policy to assess all benefitted property owners with sewer, water and streets at a 100% cost, payable in a ten year period.

A planning committee and the City Council has a zoning ordinance which regulates the construction of all buildings, also the use of land within the city of Lake Crystal.



Lake Crystal City Hall and Public Library

The library which is associated with and serviced with the Traverse des Sioux Library Systems is located in the Lake Crystal City Hall. There are approximately 13,000 books in the Lake Crystal Library, with about 2,000 books in circulation. Phonograph records, tapes and audio/visual materials are also available.



The Lake Crystal City Hall, which housed the city offices and public library was erected in 1937. Dr. Judy Swezey now has her Eye Care Practice there. Our present City Hall was built in 1978.

Lake Crystal was incorporated as a village on February 24, 1870 and held its first election on March 29, 1870. 77 votes were cast.

Wastewater Collection & Treatment

Collection and treatment of all wastewater generated in Lake Crystal is the responsibility of the City. The Waste Water Treatment Plant, most modern in Southern Minnesota, was constructed in 1986 with a maximum hydraulic capacity of 90,000 C/D. The average demand is 120,000 G/D. It is designed with a capacity big enough to handle twice the population of Lake Crystal. Non-polluting clean water empties into Minneopa Creek.

Electricity

The Lake Crystal Municipal Utilities Commissions is municipally owned and operated as a function of the City Utility Department. It operates a power plant with 4160 KW of generation, also they have a interconnection with Northern States Power Company with a 5000 KW to sub station. Operations include construction and maintenance of all consumer electrical services to residential, commercial, and industrial customers within the city. The City Municipal Power Plant was built in 1938.

Water

The Water Utility, like the Electric Utility, is municipally owned and operated as a function of the Utility Department. The operations include maintenance and repair of all facilities necessary for the production, storage and distribution of water to its residential, commercial, and industrial customers within the City. It operates three wells with a capacity of about 650 gallons per minute. The system has an overhead storage capacity of 50,000 gallons of water and storage tank of 500,000 gallons.

Telephone

Mid-Communications serves all of Blue Earth County, and no toll fees are charged within the county.

Natural Gas

Minnegasco provides natural gas service to the City of Lake Crystal. Their underground distribution system within the community provides heat and processing energy to our commercial, industrial and domestic accounts. Qualified commercial and industrial representatives will be able to provide industry information, analysis and engineering assistance on an individual basis.

Postal Services

The post office at Lake Crystal offers all the standard services of the postal service including express mail and special delivery. Window service hours are 8:30 - 11:00 a.m. and 12 - 4:30 p.m. Monday through Friday. Outgoing mail is dispatched at 4:30 p.m. Monday through Friday and the window is open on Saturday from 8:30 a.m. to 10:00 a.m. No service or dispatch is available on Sunday.

Mail is distributed to post office boxes Monday through Saturday and access to those boxes is 6 a.m. to 7 p.m. Monday through Saturday. There is rural delivery Monday through Saturday also. Please contact the postmaster if you have any further questions. The telephone number is (507) 726-2458.

Railroads

Lake Crystal is served by the main line of Chicago and Northwestern Railroad Company, several times daily, with freight, team tracks and switching services.

Airlines

Lake Crystal is approximately 18 miles from the Mankato Municipal Airport which serves Blue Earth County. The primary passenger and cargo air carrier is G.P. Express Airlines.



In 1868, the Valley Railroad, after much study, decided to locate a station in Lake Crystal. It is said that Mrs. Robinson may have cinched the deal by rolling out the red carpet for the railroad officials.

The track ran along the west shore of Crystal Lake along Murphy St., cut diagonally through Marsden Park, went across Main Street and moved out in a southwestwardly direction.

News Media

Lake Crystal Tribune

This was established in 1882 and it is the oldest continuous business in Lake Crystal. There are 1 900 Subscribers with most of them in a 15-mile radius.

Mankato Free Press

It has served Southern Minnesota since 1887. Deliveries are made daily to most Lake Crystal homes.

Home Magazine

Delivered each Tuesday to all Lake Crystal homes, this is Southern Minnesota's Largest Audited Weekly Advertising Magazine.

The Land Magazine

An agricultural publication for rural southern Minnesota.

Many residents in the Lake Crystal area subscribe to newspapers from Minneapolis, St. Paul, New Ulm and Madelia.

Television

Stations most watched in Lake Crystal area:

WCCO	Minneapolis
KSTP	Minneapolis
KEYC	Mankato
KARE	Minneapolis
KTCA	Public
FOX	Minneapolis

Radio

Stations preferred in Lake Crystal

KEEZ	Mankato
KYSM-FM	Mankato
KYSM-AM	Mankato
KTOE	Mankato
KXLP	Mankato
KNUJ	New Ulm
KDOG	Mankato
WCCO	Minneapolis



Lake Crystal first paper "The People's Journal" was started in, March 1870.

Services

Type of Service	Number of
Accountants.....	1
Appliance Store.....	1
Bakery.....	1
Beauty Shop.....	3
Body Shops.....	2
Building Supplies.....	1
Car Dealers.....	3
Car Repair Garages.....	4
Carpenters.....	7
Catering.....	3
Clothing.....	1
Day Care.....	6
Drug Store.....	1
Electricians.....	4
Farm Drainage & Repair.....	2
Farm Grain Storage.....	3
Farm Machinery Repair.....	2
Floral & Gift.....	1
Grocery Stores.....	2
Hardware Store.....	2
Insurance.....	7
Interior Design.....	2
Newspaper.....	1
Plumbers.....	3
Radiator Repair.....	1
Realtors.....	2
Service Stations & Small Repair.....	4
Tire Service.....	1
Trucking.....	1
Video Rentals.....	3

Retail Trade Services

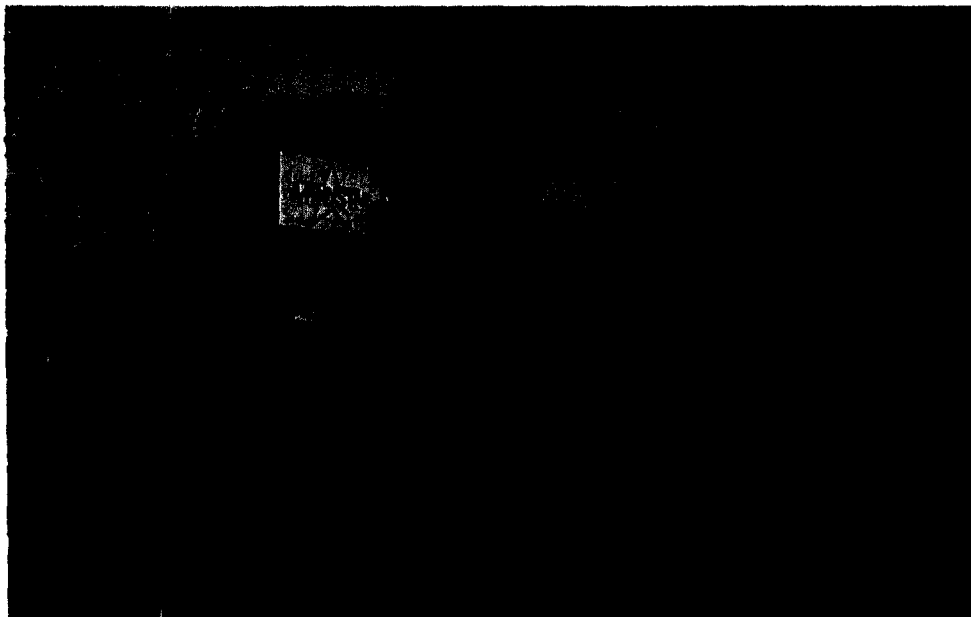
Lake Crystal is the center of an area that draws from other surrounding towns as shown in the chart below. It is accessible by means of four-lane highway #60 and other good county roads.

Impact Area

<u>Town</u>	<u>Miles from Lake Crystal</u>
Amboy	16
Garden City	6
Madelia	12
Mankato	11
New Ulm	19
Vernon Center	10

Labor Force

<u>Firm</u>	<u>Product</u>	<u>Full Time Employees</u>
City of Lake Crystal	City Government	28
Crystal Seed	Farm Seeds	4
Crystal Cooperative	Agricultural Service& Marketing	20
Crysteel Distributing, Inc.	Truck Equipment	26
Crysteel Manufacturing, Inc.	Truck Equipment	190
GM Contracting, Inc.	Sewer & Water Installation	35
Henry's Auto Body Shop	Paint/Repair/Alignment	5
IFS, Inc.	Metal Fabrication	21
J & C Custom Tooling	Tool & Die	5
Judson Implement Co.	Farm Equipment/Sales & Service	7
Kroubetz Auto Body, Inc.	Paint-Repair	4
Lake Crystal Health Care Center	Nursing Care	75
Lake Crystal Public Schools	Education	163
MinnStar Bank, N.A.	Banking Service	32
Tri Lake Lumber	Building Supplies	4
Ullrich Construction	General	6



MinnStar Bank, N.A.



In 1886, the Lake Crystal State Bank was built but failed in 1888. On January 1, 1889 another bank was started by Marston, Larson & Davis. In 1902, the Lake Crystal 1st National Bank was built. The present Lake Crystal National Bank was built in 1973. Its name was changed to MinnStar Bank, N.A. in October 1992

Agricultural

The Lake Crystal area has a large agricultural industry that generates millions of dollars of revenue. Blue Earth County ranks among the top counties in Minnesota in production of corn, soybeans, and hogs.



Crystal Cooperative



Between 1870 and 1895 was the Wheat Era. In 1873, millions of grasshoppers ascended in Lake Crystal. There was nothing left of the crops. It lasted for several years when the people appealed to the Governor to proclaim a day of fasting and prayer. Whether a coincidence or not, one day in June of 1877, they arose and flew away, and no one knows where they went.

Available Industrial Property

A 19-acre Industrial Park owned by the City of Lake Crystal has ten lots available for sale. The Park is in a Tax Increment District and services to the lots include water, sewer, gas, electricity, rail and street in place.

Acquisition and development of these lots can be done on an individual basis or through the Lake Crystal Development Corporation. These lots are zoned Industrial.

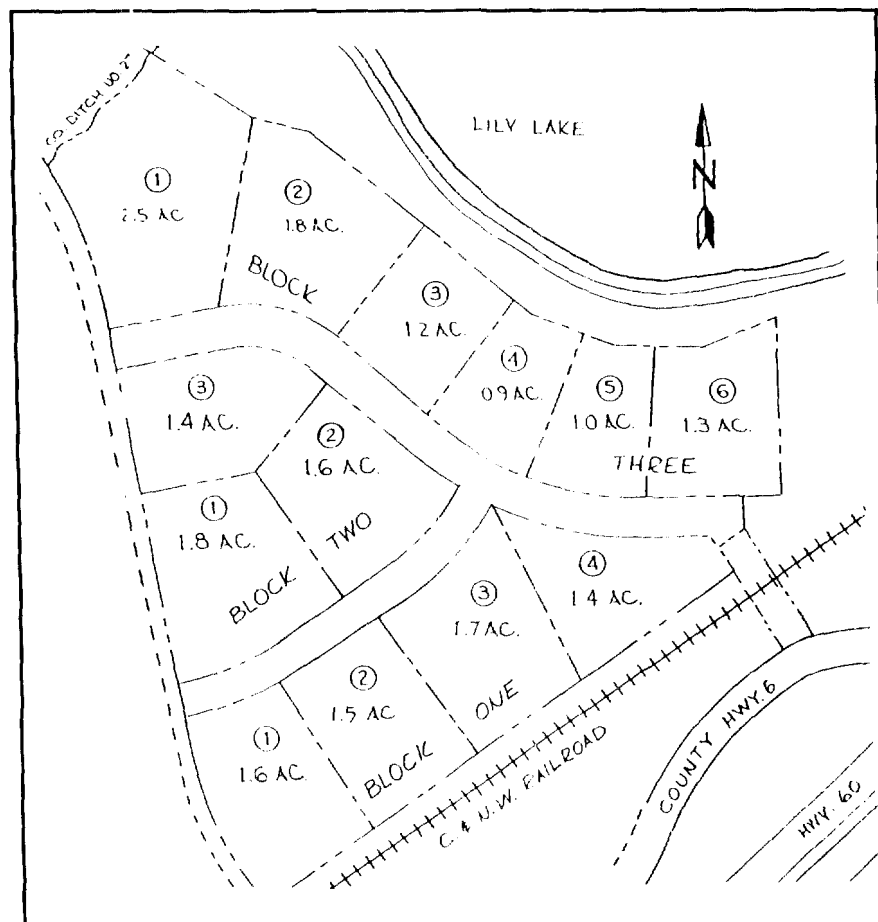
Minnesota

DEPARTMENT OF ECONOMIC DEVELOPMENT

Industrial Park Profile

Lake Crystal Industrial Park, Inc.

Lake Crystal, Minnesota



Places of Worship



Zion Lutheran Church

<u>Churches in Lake Crystal</u>	<u>Founded</u>
First Baptist Church	1886
First Presbyterian Church	1889
First United Methodist Church	1854
Holy Family Catholic Church	1850
Trinity Lutheran Church	1944
Zion Lutheran Church	1892

<u>Churches in the area</u>	<u>Where</u>
Cambria Presbyterian- Congregational Church	Cambria
First Baptist Church	Garden City
Christian Church	Garden City
L C A Lutheran	Judson
Lincoln Baptist Church	Rural Lake Crystal
Our Saviors Lutheran Church	Butternut



The first religious services were conducted by the Reverend Kidder, who was a circuit rider, in Robinson cabin in the year 1854